



# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, CMC  
Acting City Clerk

**SUBJECT:** The Public Record  
September 20, 2013 – September 26, 2013

**DATE:** September 27, 2013

## ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter to Mayor and City Council from David Wall dated September 26, 2013, regarding "Does City of San José "facilitate criminal activities" in St. James Park resulting in Diminution of property values and other tortuous injuries?"
- (b) Letter to Mayor and City Council from David Wall dated September 26, 2013, regarding "San José Police Officer Trevor Condon #4262 – for a job well done, THANK YOU!"
- (c) Letter to City Manager Debra Figone from Tessa, Cat Woodmansee and Neighbors dated August 13, 2013, regarding conditional use permit for Royal Coach Tours.
- (d) Letter to Rules and Open Government from Jeffrey Bedolla dated September 24, 2013, regarding the City Council's December 18, 2012 Approval of the Purchase and Sales Agreement for a portion of Emory Street.
- (e) Item for the Public Record from Jim Piazzo dated September 25, 2013, regarding TCE's effects on the human body.

Toni Taber, CMC  
Acting City Clerk

TJT/kc


Honorable Mayor and City Council Members

September 27, 2013

Subject: The Public Record: September 20, 2013 – September 26, 2013

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David S. Wall  
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2013 SEP 26 PM 4:16

September 26, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Does City of San José “facilitate criminal activities” in St. James Park resulting in Diminution of property values and other tortuous injuries?**

**Health, safety and welfare of children, residents, citizens and even the vagrants are currently at risk!**

Dateline: City Desk [Thursday, (09.26.13)] *When will Council “clean-up” St. James Park?*

Rampant lawlessness; drug dealing, drug use, assaults, batteries, public urination on businesses, prostitution of all kinds, abuse of the mentally ill, over-flowing garbage barrels, intimidation of law abiding citizens and many other criminal and deviant behaviors are going on in St. James Park; every day, every afternoon and well into sunset. When will Council give the requisite orders to the Police, absent restraints of any kind, to “bring into submission” this enclave of human depravity and the vermin contained therein, who continuously bring down civilized society?

What does it take to clean up this varietal “shite hole?” A law suit, multiple law suits, a writ of mandamus?

*Has the City of San José been “reasonable” with reference to allocation of city resources to St. James Park?*

St. James Park presents a cornucopia of problems for city council but, that’s just one aspect of their jobs, “solving problems.” The mere “stationing of Police Officers” in St. James Park and then “tying the hands of the Police” with “council policies regarding the treatment of the homeless” and or other administrative restraints only serves to breed contempt and exacerbate the “problems.” In short, absolutely nothing is accomplished except, the festering and fermentation of crime and other sordid acts that continue to bear fruit in San José’s flagship park as civilized society is shoved unceremoniously into the crapper.

Focus, on the health, safety and well being of children who go to St. James Park to play. The innocence of youth, snatched away in a moment as a discarded syringe, lying unseen in the grass; laced with diseased infested blood residue from a drug user, pierces the child’s skin and forever more destroys their health at worst or impairs their health at best. Why would Council allow this to occur anywhere in San José, but specifically where the Council knows this threat is present; 24 hours a day, seven days a week in St. James Park?

Focus, on all the money Council has spent on “economic development” in the Downtown and yet, the criminal elements are allowed to use St. James Park as a “base camp” to carry out their depraved activities to bring all of us to accept and tolerate this life-style choice. Would Council be amenable to having their offices on the 18<sup>th</sup> Floor at City Hall “urinated on” by these vermin?

Again, **Does City of San José “facilitate criminal activities” in St. James Park resulting in Diminution of property values and other tortuous injuries?** Or, has Council turned a blinded eye and acted with “reckless disregard” and or with “a heart of politically based indifference” resulting in “*not*, solving the St. James Park’s cornucopia of problems?”

Cc: City Attorney / City Auditor / City Manager

*Respectfully submitted,*

*David S. Wall*  
*09.26.13*

David S. Wall  
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2013 SEP 26 PM 4:15

September 26, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: San José Police Officer Trevor Condon #4262 - for a job well done, THANK-YOU!****Exemplary conduct in the arena of "Community Policing Activities!"**

Dateline: City Desk [Thursday, (09.26.13)] *Police Officers should be paid much more, they deserve it.*

On September 22, 2013, while on routine patrol, **San José Police Officer Trevor Condon (#4262)** observed me conversing with a neighbor near the public street. Officer Condon waved and then abruptly and safely pulled over.

Officer Condon exited his vehicle, approached me and my neighbor and politely introduced himself as the new Police Officer in our neighborhood. Almost immediately, my neighbor and I were pleasantly and greatly impressed with the initiative Officer Condon exhibited in making this unexpected but very welcomed introduction.

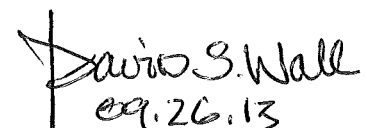
Officer Condon informed us that he was in between calls and wanted to introduce himself and made inquiries as to any criminal activity going on in our neighborhood that he should be aware of. My neighbor discussed issues of people trying to look in her windows and problems with one of the numerous "half-way-drug houses" in the neighborhood. I discussed the requirement of a "Police maintenance program" focused on Ryland Park vagrants and the vagrant population residing on the Guadalupe River. I also mentioned that vagrants using stolen shopping carts routinely steal recyclables by trespassory entrance to private property. These crimes, in my opinion also lead to other thefts and perhaps residential burglary. Officer Condon appeared to be taking some notes on his smart phone as to the "criminal activity" in t our neighborhood.

At some point in the neighborhood discussion, Officer Condon asked our pardon to quickly listen to incoming traffic on Police radio. Officer Condon upon receipt of the radio transmission politely stated that he must respond to a "Police matter." Both my neighbor and I fully understood, bade him farewell, to be safe and to, "Please...come back as often as you can, the San José Police are very welcomed here!"

The personal initiative of Officer Condon; his professional introduction and following discussionary period was very well received and is an indicator as to the success of the doctrine of "Community Policing."

It is my prayer that the Council will "come to their senses" regarding the absolute requirement to properly fund; the salaries, benefits and retirements of all city employees but, especially those who have entered into protecting and defending the safety of the public.

It is also my prayer that Council take the appropriate actions, to convey my gratitude and sincerest "Thanks" in a timely and thorough manner to **San José Police Officer Trevor Condon (#4262)** for a "Job done exceptionally well."

*Respectfully submitted,***Cc:** City Attorney / City Auditor / City Manager  
09.26.13

2013 SEP 20 PM 12:18

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Dear Ms. Figone,

Despite this hypocrisy, Mr. Horwedel completely ignores that fact that the code clearly states that either expansion or intensification is grounds for a CUP for a legal non conforming business. When a depot goes from 30 buses to 75 buses and when a depot has intensified their number of trips and their operations this

is because of their expansion and intensification that required more parking, maintenance and office space and therefore a new expanded RCT at 610 and 630 Stockton Ave.

\*Our neighborhood has very high diesel emissions as documented by the Bay Area air quality management district and Breathe California and mitigations are being required of the City of San Jose for the health of our neighbors with high asthma, heart disease and cancer rates from diesel emissions. Noise also has a deleterious health impact that needs mitigation.

Our neighborhood is requesting that RCT and their highly polluting and noisy operations to be put under a CUP and meet performance standards for noise and pollution. A "Green City" that has NO COMPREHENSIVE NOISE ordinance or pollution controls must support a CUP for this business with a heavy impact on our neighborhood. The city needs to evaluate the Planning Departments operations and how they are not meeting the underlying policy goal of municipal land use planning which is to eventually bring non-conforming uses into conformity with the current zoning requirements.

Ms Figone as our City Manager, Our neighborhood needs you to review and find lacking the denial of a need for a CUP from Mr. Horwedel's letter since RCT has clearly intensified and expanded their 24/7 noisy and polluting operations that negatively affect our quality of life and property values. In addition, our neighborhood needs you to contact me as soon as possible about this request for a CUP for RCT, Inc.

Sincerely,

*Tessa Woodmansee*

Tessa Woodmansee and neighbors with the support of breathe California and baaqmd to reduce diesel emissions and noise now!

Enc: ① Joseph Horwedel's letter re CUP

P.S. What are the requirements for Residential Performance Standards for noise and pollution

Request to have an item placed on the Rules and Open Government agenda:

Re: the City Council's December 18, 2012 Approval of the Purchase and Sales Agreement for a portion of Emory Street.

My intention is to stop any applicable Statute of Limitations from expiring in the matter of the purchase and sale of the Emory Street portion, by the City of San Jose to Bellarmine College Preparatory. I had already submitted a Demand for Nullification of a Council Action to Mayor Reed and the members of the San Jose City Council, and the City Attorney, in a hand-delivered letter. I also stated my objection in open council session.

Brown Act violations are alleged to have occurred in the Purchase and Sale of a Portion of Emory Street. These violations occurred in open City Council session. Specifically, Councilman Oliverio met privately with members of the College Park Neighborhood Association while City Council was in session, prior to the Emory Street item coming up for discussion. In addition, Councilman Oliverio amended the Purchase and Sale Agreement in the act of presenting the Motion for Approval of the Purchase and Sales Agreement, by removing an important condition, namely the Pedestrian Easement; and this change was done without opportunity for public input.

I have suffered unreasonable attacks by parties of interest in this transaction. My protest of these attacks has been disclosed and is well-known by the City of San Jose. In my pursuance of justice in this matter, I submitted allegations to the City Attorney, and other elected and appointed officials of the City of San Jose. No one has made any effort to controvert my allegations. So, this business deal cannot go through. It is clear that the strategy of the City of San Jose, and the Mayor and City Council has not been forthright. It is only through a chance conversation with someone sympathetic to my concern, that I was given to understand that the way to have my concerns properly considered and officially addressed is to submit a request to the City Clerk to have my concern addressed by the Rules and Open Government Committee.

In lieu of having such an open public disclosure of this matter, I would accept a formal pause in the finalizing of the whole matter. In other words, I assume that there is a Statute of Limitations on the submission of challenges to the Approval of the Purchase and Sales Agreement. I want that Statute of Limitations to be put off until such time as a mediated, arbitrated resolution can be effected. This mediation to be done by the representatives of the parties concerned, under the guidance to the Santa Clara County Office of Human Relation Dispute Resolution Department, attention Allyn Kula.

Please get back to me within three business days. I have made contact with a private attorney about this, and I have also reached out to the Santa Clara County Office of the District Attorney. I can be reached at my address: [REDACTED] Please address correspondence to "Atty. for Jeffrey Bedolla".

Jeffrey Bedolla



September 24, 2013

For: Public Record

From: Jim Piazza

Received: 9/25/13

Re: TCE's effects on the human body



# TCE's effects on the human body

This chart shows how the body may be affected by exposure to trichlorethylene, or TCE. The chart reflects studies of people who worked with high levels of TCE, studies of rats and mice exposed to high levels of TCE and a few studies of people exposed to lower levels of TCE in drinking water. The information comes from a draft risk assessment released by the Environmental Protection Agency in 2001. After controversy erupted over its findings, the National Academy of Sciences was asked to review the report.

## Exposure

Once a person is exposed to TCE – by drinking, breathing or touching the chemical – it is distributed via the circulatory system throughout the body, where it can accumulate in fat and other tissues.

**Liver:** TCE can be toxic to the human liver, and has been linked to increased risk of liver cancer. Mice exposed to TCE developed tumors, but rats did not.

**Pancreas:** A possible increased chance of pancreatic cancer has been identified.

**Kidney:** Workers showed signs of kidney damage. TCE was associated with increased cancer risk in some human and animal studies.

**Brain:** TCE was once used as an anesthetic. In short, high doses, it has a similar effect to other solvents, alcohol, ethers, petroleum distillates and other halogenated solvents. It has been associated with dizziness, headaches, sleepiness, nausea, confusion, blurred vision, and weakness in several human studies.

**Lymphatic system:** In humans, TCE was associated with an elevated, but not statistically significant, risk of non-Hodgkin's lymphoma. Exposure was associated with lymphoma in mice.

**Immune system:** TCE is linked to immune system damage and increased incidence of autoimmune diseases.

**Development:** There is evidence of heart abnormalities in human and animal offspring exposed in the womb. Rat pups showed heart and eye malformations and behavioral changes.

**Reproductive system:** Some male workers showed possible reproductive effects, like reduced sperm counts. Links have been drawn to cervical and prostate cancer.

Female reproductive organs

Male reproductive organs

## Susceptibility

Besides the size and duration of the dose of TCE, several factors may influence whether people are affected by TCE after exposure. For cancer risk assessments, the EPA assumes a 150-pound adult is exposed to TCE for 24 hours a day for 30 years.

■ Some people's genetic makeup will make them more or less likely to be affected.

■ Women were more susceptible to some effects than men. Women and female rats and mice showed signs of certain immune-system related problems.

■ Children could be more affected than adults because they breathe, drink and eat more than adults, relative to their body weights.

Developing fetuses and babies can also be exposed in utero and via breast milk. One study linked higher leukemia rates to prenatal exposure to TCE.

■ Exposure to different chemicals, like other chlorinated solvents and alcohol, may increase the effects of TCE.

■ Diabetics and those with certain other illnesses may be more susceptible.

**Table 1**  
**Groundwater Analytical Results - Spring 2013**  
**Nine Par Site**

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2013 SEP 25 PM 1:45

Sample description	units	ESL (1) (GW-MDW) Table F-1b	MMW-1 04/02/13	MMW-1 (retest) 05/01/13	MMW-2 04/02/13	MMW-3 04/02/13	EMW-A 04/02/13	EMW-B 04/02/13	EMW-C 04/02/13
<b>Volatile Organic Compounds (2)</b>									
Benzene	µg/L	46	0.36 (u)	<4.2	<0.083	<0.083	<0.083	<0.083	<0.083
Chloroform	µg/L	330	5.4	<6.0	<0.12	<0.12	<0.12	<0.12	0.26 (u)
1,1-Dichloroethane	µg/L	47	4.6	<5.5	<0.11	<0.11	<0.11	<0.11	0.62
1,1-Dichloroethene	µg/L	25	260	100	<0.18	<0.18	<0.18	<0.18	25
cis-1,2-Dichloroethene	µg/L	590	2,100	2,200	<0.085	0.18 (u)	<0.085	<0.085	3.3
trans-1,2-Dichloroethene	µg/L	590	12	<7.5	<0.15	<0.15	<0.15	<0.15	<0.15
Methyl tert-butyl ether	µg/L	1,800	<0.11	<5.5	0.53	<0.11	<0.11	<0.11	<0.11
Tetrachloroethene	µg/L	120	0.29 (u)	<6.5	<0.13	<0.13	<0.13	<0.13	<0.13
Toluene	µg/L	130	2.5	<8.0	<0.093	<0.093	<0.093	<0.093	<0.093
1,1,2-Trichloroethane	µg/L	350	<4.6	<4.6	<0.16	<0.16	<0.16	<0.16	49
Trichloroethene	µg/L	360	21,000	19,000	<0.085	0.35 (u)	<0.085	<0.16	0.37 (u)
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)	µg/L	NE	70	<7.5	<0.15	<0.15	<0.15	<0.15	<0.15
Vinyl Chloride	µg/L	782	160	54	<0.12	<0.12	<0.12	<0.12	1.7
Total Xylenes	µg/L	100	0.60 (u)	<18	<0.36	<0.36	<0.36	<0.36	<0.36

**Draft**

<b>Total Petroleum Hydrocarbons (by EPA 8015CC) (3)</b>									
TPH-C8-C9	µg/L	210	<5.0	—	<5.0	<5.0	NA	NA	NA
TPH-C10-C11	µg/L	210	<5.0	—	<5.0	<5.0	NA	NA	NA
TPH-C12-C14	µg/L	210	<5.0	—	<5.0	<5.0	NA	NA	NA
TPH-C15-C16	µg/L	210	<5.0	—	<5.0	<5.0	NA	NA	NA
TPH-C17-C18	µg/L	210	<5.0	—	38	<5.0	NA	NA	NA
TPH-C19-C20	µg/L	210	<5.0	—	37	<5.0	NA	NA	NA
TPH-C21-C22	µg/L	210	<5.0	—	42	<5.0	NA	NA	NA
TPH-C23-C28	µg/L	210	<5.0	—	160	<5.0	NA	NA	NA
TPH-C29-C32	µg/L	210	<5.0	—	<5.0	<5.0	NA	NA	NA
TPH-C33-C36	µg/L	210	<5.0	—	<5.0	<5.0	NA	NA	NA
TPH-C37-C40	µg/L	210	<5.0	—	<5.0	<5.0	NA	NA	NA
TPH-C41-C43	µg/L	210	<5.0	—	<5.0	<5.0	NA	NA	NA
TPH-C44 plus	µg/L	210	<5.0	—	<5.0	<5.0	NA	NA	NA
TPH (Total)	µg/L	210	<100	—	280	<100	NA	NA	NA

<b>Field Parameters (4)</b>									
Dissolved oxygen	mg/L	—	1.1	1.4	0.75	1.1	0.71	2.9	1.8
Electrical conductivity	µmhos/cm	—	39,668	46,113	4,843	3,206	72,001	49,094	46,009
pH	SU	—	7.29	7.09	7.61	7.45	6.92	7.14	7.19
Oxidation/Reduction Potential	mV	—	-73	-26	-92	-115	-89	-103	-97
Temperature	degrees C	—	16.8	18.2	21.2	19.4	17.9	15.9	16.3
Turbidity	NTU	—	16	13	10	13	20	86	206

- (1) ESLs are Environmental Screening Levels from SF Bay RWQCB Interim Final - May 2008 for groundwater that is not a potential drinking water source. Tables F-1b and F-4a except vinyl chloride which is the aquatic habitat goal.
- (2) Analysis by EPA Method 8260B. Only compounds detected in one or more wells are listed. All other compounds were not detected at or above the method detection limit.
- (3) Total Petroleum Hydrocarbons samples collected May 1, 2013.
- (4) Field parameters measured before sample was collected.
- NE - Not established; compound does not have an established Environmental Screening Level
- ND - Not detected at or above the method detection limit.
- NA - Not analyzed. TPH is not a routine monitoring parameter for the evaluation monitoring wells.
- MMW-1 retest sample analyzed at 50x dilution except trichloroethene which was analyzed at 250x dilution.
- (u) Trace concentration; value is an estimate.